

CLARK COUNTY
CLEAN WATER COMMISSION
Revised Meeting Notes

Wednesday, December 7, 2005

6:30 – 8:30 P.M.

Clark County Public Works Operations Conference Room B-1
4700 NE 78th Street, Vancouver

Clark County Clean Water Commission Members Present

Tim Crawford, Robert Even, Bill Owen, Patty Page, Susan Rasmussen, Art Stubbs, Virginia van Breemen

Clark County Clean Water Commission Members Absent

Anne Jackson, Ron Wilson

Clark County Staff

Trista Kobluskie, Earl Rowell

Public

Thom McConathy

Call to Order

Introduction

The members of the Clark County Clean Water Commission, the public, and Clark County staff were introduced. The meeting was then called to order.

A quorum was achieved.

Approval

The November 2, 2005 meeting notes were approved as submitted.

Agenda and material review

The packet includes:

- 1) 12/07/05 Clean Water Commission Meeting Agenda
- 2) 11/02/05 Clean Water Commission Meeting Notes
- 3) Map of Commissioner locations
- 4) December 2005 Public Works Capital Program Monthly Reports Summary
- 5) Items regarding Code Enforcement fines
 - a) Emails between Mr. Owen, Mr. Rowell, and Deputy Prosecuting Attorney Potter
 - b) News article from *The Reflector*
 - c) Email from Mr. Wolf
 - d) November 2005 Code Enforcement Monthly Report
- 6) News article from *The Reflector*
- 7) News article from *Refuse News*
- 8) Draft 2006 Clean Water Commission meeting locations and topics



Communications with the Public

None.

Public Comments

Mr. McConathy made three comments.

- 1) The draft NPDES permit for Clark County is out. Mr. McConathy urged Commission members to read and become familiar with it, in order to become more effective in oversight and advocacy.
- 2) Mr. McConathy urged the Commission to ask staff to update the 2002 Pollution Analysis Report on the Water Resources web site. Mr. McConathy maintained that some problems were not included, such as persistent breaks of sewage mains in the Salmon Creek bottoms.
- 3) Mr. McConathy urged the Commission to address a lack of enforcement of the proposed TMDL in Salmon Creek. Velocity and pollutant levels at outfalls on Suds Creek and Cougar Creek are destroying related wetlands. The Shoreline Management Act prohibits the discharge of untreated stormwater to wetlands, which is occurring.

Old Business

Elections

Mr. Stubbs asked for any other nominations for Chair and Vice Chair. In November, Mr. Owen was nominated for Chair and Mr. Crawford was nominated for Vice Chair.

Motion 2005-1207-04: Mr. Stubbs moved to cast a unanimous vote in favor of Mr. Owen for 2006 Chair and Mr. Crawford for 2006 Vice Chair.

The motion passed unanimously.

Mr. Owen took over as Chair of the meeting.

Map of Commissioner Locations

Mr. Rowell asked each Commissioner to review the map and notify staff of any incorrect locations.

Review Clean Water Commission Bylaws

Mr. Rowell stated that he would like to hear the Commission's suggestions, and then meet with the Chair and Vice Chair to incorporate staff's recommendations. The combined changes will then be brought before the Commission for a vote.

Ms. Page asked how "represent a balanced interest" should be interpreted. Mr. Rowell replied that the intent was to ensure that no member of the Commission would have an agenda or focus, but would represent an area of Clark County.

Ms. Page indicated that the Commission may lack representation from an expert environmental advocate. Mrs. Rasmussen responded that Ms. van Breemen is a member of several environmental groups.



Subsequently, the Commissioners reviewed the text in each section of the Bylaws. Motions were made following the discussion of each section to formalize any proposed changes. Final modifications to the Bylaws will be made per section 15.

Section 2. Mission.

The group discussed how often the Commission should meet with the Board of County Commissioners. The ordinance specifies an annual report. Mrs. Rasmussen asked if the BOCC has ever requested more frequent updates. The group agreed that the Commission could meet annually and as needed, as well as invite members of the BOCC to Clean Water Commission meetings.

Mr. McConathy urged the Commissioners to lobby for the inclusion of an environmental stakeholder on the Commission, as required by the Clean Water Act. Mr. Owen responded that the CWC does not appoint its own members – the BOCC appoints members to it – and that he has made such a request.

Motion 2005-1107-05: Mrs. Rasmussen moved that line 25 be amended to read “report as needed.” Mr. Stubbs seconded.

The motion passed unanimously.

Section 3. Expectations of the Clean Water Commission.

Motion 2005-1107-06: Mr. Stubbs moved to accept Section 3 as written. Mr. Even seconded.

Ms. Page asked why the following sentence is included: “Members must uphold the policies of the *Clark County Stormwater Management Plan*, even those policies with which a member may disagree, during the forum of the Clean Water Commission meetings.” Mr. Rowell stated that the intent is to allow discussion of a minority opinion.

The motion passed unanimously.

Section 4. Expectation of the County.

The group discussed whether to change the wording of line 62 to “annually.” Mr. McConathy stated that the Commission needs more time with the BOCC, not less. Ms. van Breemen stated that inviting Commissioners to meetings could meet the “quarterly” requirement. Mr. Stubbs said that he runs into BOCC members at least once per month. Mr. Rowell suggested that any meetings or invitations be set up now for 2006.

Ms. Page asked: “how important is water to the Board of County Commissioners?” Mrs. Rasmussen suggested the group ask the BOCC at the next meeting.

Motion 2005-1207-07: Mr. Crawford moved to accept Section 4 as written. Mrs. Rasmussen seconded.

The motion passed unanimously.

Section 5. Advisory Role.

Motion 2005-1207-08: Ms. Page moved to accept Section 5 as written. Mr. Stubbs seconded.

The motion passed unanimously.



Section 6. Abstentions and Conflict of Interest.

Motion 2005-1207-09: Mr. Stubbs moved to accept Section 6 as written. Mr. Crawford seconded.

The motion passed unanimously.

Section 7. Election of Officers.

Mr. Rowell stated that the terms of Mr. Even, Ms. Jackson, and Mr. Owen will expire in February of 2006. Mr. Stubbs agreed to write a letter to the Board of County Commissioners to ask for term extensions for those members who wish to continue serving.

Motion 2005-1207-10: Ms. Page moved to insert on line 90 the following sentence: “The nominations for new officers shall be opened at the November meeting.” Mr. Stubbs seconded.

The motion passed unanimously.

Section 8. Selection and Term of Clean Water Commission Members.

Mrs. Rasmussen stated that the criteria for selecting members on lines 98-101 are too specific, and would have eliminated most of the original members of the Commission if applied rigorously. Mr. Rowell suggested that commission members should know something about water quality, but do not need specific knowledge of NPDES. Ms. Page stated that few read the Bylaws before applying. Mr. Owen stated that he has seen this language in advertisements for vacancies in *The Columbian*. Mr. Rowell indicated that applicants have been plentiful despite the use of the specific language in the advertisements.

Mr. Stubbs stated that experience has taught him that most work is done by those who have a passion for an issue, whether or not they join with a great deal of specific knowledge.

Motion 2005-1207-11: Mr. Stubbs moved to strike everything from line 98 to line 101. Mrs. Rasmussen seconded.

Ms. van Breemen and Mr. Crawford disagreed. Mr. Crawford stated that the language indicates that the Commission is a serious body. Ms. Page stated that the language describes the selection process. Ms. van Breemen agreed. Ms. Page stated: “our aspirations have to be higher than our activities.”

Mr. Stubbs withdrew the motion.

Motion 2005-1207-12: Mr. Crawford moved to accept Section 8 as written. Ms. van Breemen seconded.

The motion passed unanimously.

Section 9. Chair.

Motion 2005-1207-13: Mr. Stubbs moved to accept Section 9 as written. Mr. Crawford seconded.

The motion passed unanimously.

Section 10. Secretary.

Motion 2005-1207-14: Mr. Stubbs moved to accept Section 10 as written. Ms. van Breemen seconded.

The motion passed unanimously.



Section 11. Quorum.

Motion 2005-1207-15: Mr. Crawford moved to accept Section 11 as written. Ms. van Breemen seconded.

The motion passed unanimously.

Section 1. Absence of Members.

Mr. Owen stated that he intends to abide by this section this year. Mr. McConathy stated that it leaves enforcement up to the Chair. Ms. Page stated that it allows for any member of the Commission to request that the Chair enforce the attendance provision.

Mrs. Rasmussen indicated that line 147 shouldn't be there. Mr. Crawford disagreed – the sentence allows the Commission to excuse absences at its discretion. Mr. Rowell stated that it is intended to allow the Commission to remove a member who just doesn't show up.

Motion 2005-1207-16: Mr. Stubbs moved to accept Section 12 as written. Mr. Crawford seconded.

The motion passed unanimously.

Section 13. Agenda.

Motion 2005-1207-17: Mr. Stubbs moved to accept Section 13 as written. Ms. Page seconded.

The motion passed unanimously.

Section 14. Meetings.

Motion 2005-1207-18: Ms. Page moved to accept Section 14 as written. Ms. van Breemen seconded.

The motion passed unanimously.

Section 15. Amendment.

Motion 2005-1207-19: Mr. Stubbs moved to accept Section 15 as written. Ms. van Breemen seconded.

The motion passed unanimously.

Mr. Owen requested that Ms. Kobluskie distribute the Bylaws with suggested strikes and additions at least two weeks prior to the next meeting.

Commissioner Focus Areas

Ms. van Breemen listed various classes she took during 2001 that led to her joining the Clean Water Commission, including Wildlife Habitat, Watershed Stewards, Field & Lab Procedures (SWERP), and Forest Management. She is interested in focusing on riparian restoration projects.

Mrs. Rasmussen's focus is education, public outreach, and incentives.

Mr. Even is interested in capital improvements and monitoring.

Ms. Page is interested in education, changing citizen behavior, and demonstrating effective use of dollars to the public.



Mr. Owen's focus is on capital improvements, monitoring, and the LID concept. He also enjoys looking at how to balance public policy with financial resources.

Mr. Stubbs is interested in research and public education. Changing citizen behavior, such as the use of pesticides and chemicals, is a particular concern.

Mr. Crawford got involved because he is interested in serving the community personally, clean water, and environmentalism. As a member of the Commission, he is interested in capital improvements, monitoring, and education programs. He mentioned how few people in the world have access to clean water.

New Business

Supplemental Budget Appropriation for Capital Improvements

Referring to highlighted rows on item #4 in the packet, Mr. Rowell stated that the Clean Water Program has requested more money for Capital Improvement projects. The Curtin Creek Wetland Enhancement and the Whipple Creek Stormwater Basin Plan require additional revenue to complete. Mr. Rowell asked Mr. Owen, Mr. Crawford, and Mr. Even to sit in on some of the Whipple Creek planning meetings.

Cougar Creek Phase II has been terminated due to high groundwater elevation that will prevent infiltration. West Suds Creek is postponed until more information about groundwater elevation is secured. Curtin Creek Enhancement will not have as much treatment as originally envisioned, though the project will meander the stream, cool the water, add vegetation, and remove canary weed grass.

The Clark County Auditor's Office has said that the program can no longer use Fund 4420....345 for both planning and actual capital improvements. For planning and like work (like stormwater basin planning), the program must use Fund 4420....245. (These can be considered "operational" dollars.) For actual capital improvements, such as the construction of Thomas Lake Stormwater Detention Facility, the program must use Fund 4420....345.

Code Enforcement/Ecology Fines

Mr. McConathy stated that he would like to see customers notified about fines in the next bill. Mr. Stubbs asked if the information will be on the web page. Staff will review legal issues that may arise.

Vacant Engineering Positions

Mr. Rowell stated that the program had difficulty finding qualified applicants for the Engineer III position. New advertisements have been posted on the APWA web site, the AWRA web site, and the Pacific Northwest [environmental] Job Seekers listserve. Salary may be an issue. The position is no longer a lead position; Mr. Rowell will lead the section. Engineering design will be contracted to the Public Works Project Management program. Mr. Stubbs asked if existing county staff had applied for the position. Mr. Rowell responded no. He hopes to have somebody on board within the next month.

The other position (Mike Szwaya's former position) is changing from an Engineer to a GIS Analyst. Mr. Rowell stated that he is looking for somebody who can analyze spatial data and provide maps for water quality analysis in a timely fashion. The Department of Assessment and GIS is not responsive enough for the program's needs.

Mr. Owen offered to email Mr. Rowell a list of additional places to advertise the positions.



2006 Meeting Locations

Mr. Rowell asked Commissioners to review the draft document of 2006 meeting topics and locations.

Code Enforcement/Ecology Fines (revisited)

Referring to item #5a in the packet, Mr. Owen stated that his research indicates that Code Enforcement fine revenue is split 50% to the General Fund and 50% to the Community Development fund. Mr. Owen questioned if it is appropriate for those revenues to go to the General Fund. Community Development used at least \$10,000 of the money to pay for materials like hay bales and shovels to dig out debris from inlets on developing sites. Does this commission think that the revenues are allocated properly?

Referring to item #5b, Mr. Rowell mentioned that the County Auditor Greg Kimsey has recommended the more frequent leveling of fines to repeat offenders.

Mr. Stubbs asked why the BOCC did not notify the Clean Water Commission about the allocation of revenue from stormwater violation code enforcement fines. Mrs. Rasmussen suggested that the fine revenue pay for classes for developers.

Ms. Page noted that the Commission's role is not to decide what happens to the revenue but to advise the Board of County Commissioners. Mr. Rowell suggested that the CWC recommend to the Board how to allocate revenue from code enforcement fines. Ms. Page said that fines should do two things: remediate the problem caused by the infraction and increase monitoring and enforcement activities. Mr. Stubbs asked that the Commission be informed. Mr. Owen noted that now is a good opportunity to recommend to Community Development (and the BOCC) how to allocate fine revenue.

Mr. McConathy stated that the November Code Enforcement Report (#5d) indicates that very little stormwater enforcement activity is occurring.

Mr. Rowell explained that Community Development is meeting the requirements of the NPDES Permit by having: 2 inspectors in Code Enforcement, 2 inspectors in Development Inspection, and 1 inspector in Building Inspection. The time is spread across various FTEs in the department. Mr. McConathy stated that the Clean Water Program is being cheated. Mr. Owen suggested that it may be appropriate for Linda Moorhead to attend the next Clean Water Commission meeting, and he offered to contact her.

Adjourn

The meeting adjourned at 9: 10 P.M.

Next Meeting

The next meeting of the Clean Water Commission will be held on Wednesday, January 2, 2005 from 6:30 P.M. – 8:30 P.M. The location is Clark County Public Works Operations Conference Room B-1 at 4700 NE 78th Street, Vancouver.

Respectfully Submitted,
Trista Kobluskie

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